IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 178 of 1990
with
CIVIL APPLICATION No 414 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARAYANBHAI K PATEL

Versus

KHADI & VILLAGE INDUSTRIES COMMISSION

Appearance:

1. Special Civil Application No. 178 of 1990 with
Civil Application No. 414 of 1990
MR MB GANDHI for Petitioner No. 1
MR DD VYAS for Respondent No. 1-2
RULE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 14/07/2004

ORAL JUDGEMENT

By filing this petition, the petitioner has challenged his transfer order dated 30-06-1989 on the ground that said transfer is illegal. He has also prayed that the respondent be directed to work out proper salary by giving him benefit of pay scale fixed by different Pay Commissions and the respondent should correct the salary and pay the arrears of salary to the petitioner.

2) The petitioner was recruited in service of Khadi and Village Industries Commission in February, 1958, as Assistant Inspector Cotton Khadi. The petitioner was promoted in the year 1972 as Demonstrator. Thereafter, the petitioner was promoted to the post of Assistant Development Officer on 14-7-1976. The grievance of the petitioner is that he was required to be given the benefit of revision of pay scale. The petitioner also prays that benefits based on the IInd and IIIrd Pay Commission may also be made available to the petitioner. The grievance of the petitioner is that the authorities have not fixed his pay scale appropriately. The petitioner has also challenged his transfer order dated 30th June, 1989, by which he is transferred from Ahmedabad to Bhopal. It is pointed out to the Court that the petitioner had subsequently joined at the transferred place and now the petitioner has also retired from service on attaining the age of superannuation.

3) In view of this, the question of transfer has become academic and it is not required to be examined by this Court. So far as the question of fixation of appropriate scale is concerned, the petitioner has not raised any grievance about the fixation of scale, which was effected in the year 1973 and for the first time this question was raised in the year 1990. Therefore, the claim of the petitioner in this behalf is too stale to be adjudicated now, as the petitioner has approached this Court in the year 1990 and has raised grievance about fixation of pay scale at such a belated stage.

4) It is pointed out by the learned advocate for the petitioner that the petitioner has retired since long and all retiral dues were given to the petitioner at the time of his superannuation.

5) Considering the aforesaid aspect, now no relief can be granted to the petitioner. This petition is devoid of merits, hence, this petition is rejected. Rule is discharged. No costs.

6) In view of the above order in main matter, no order on Civil Application No.414/1990.

(P.B.Majmudar,J.)

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